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MINUTES

Regular Meeting of the Board of Commissioners
Fidalgo Pool and Fitness Center
Thursday, April 18, 2019, 5:30 p.m.

CALL TO ORDER

The meeting was called to order at 5:30 p.m.

Commissioners Present: Christine Mathes, Andrew Olson, Ken Hansen, David Way

Commissioners Absent: Jeremy McNett,

Staff Present: Executive Director Mitch Everton

APPROVAL OF MINUTES

The regular meeting minutes of March 21, 2019 were reviewed and approved as read.

APPROVAL OF VOUCHER(S)

Vouchers were approved for payment.

PUBLIC COMMENTS/CORRESPONDENCE

None.

DIRECTOR/MANAGER/COMMITTEE REPORTS

The ED gave a summary report on current initiatives/developments. The state audit was concluded and deemed clean. An exit interview is scheduled for April 23 in Bellingham with the ED and Comm. Mathes. We will update the board at the May meeting. Facility traffic remains heavy. The SC Assessor's office does not appear to be correctly incorporating all parcels within the district for taxing purposes—they are researching. Job descriptions have been completed and employee performance evaluations are commencing.

Financials

March financials were reviewed. Net income for the quarter is (\$120K) vs a budgeted loss of (\$123K).

Old Business

Fundraising update. A written update of fundraising events and progress was reviewed with the board. Momentum appears positive.

By-Laws. The by-laws draft was amended to take into consideration legal advice. With those changes, the document was approved as read. Standing committee appointments were then adopted as follows:

Finance: Mathes, Olson
Capital Facilities: Hansen, McNett
Personnel: Mathes
Communications: Way, Olson
Contracts: Hansen
Elections: Way

New Business

OPMA: A teleconference with Lee Marchisio, an attorney with Foster, Pepper in Seattle was conducted from 5:45-6:30. Please see attached for detail.

Election Filing. There are three seats up for election in November: Comms. McNett, Hansen and Way. The filing period is May 13-17.

ADJOURN

MOTION: A motion was made and seconded to adjourn the regular meeting at 7:00 p.m. The motion passed unanimously.

EXECUTIVE SESSION

An executive session to discuss a real estate matter commenced at 7:05 pm and was adjourned at 7:30. No further business was conducted.

The next regular Commission meeting is scheduled for Thursday, May 16 at 5:30 p.m. at FPFC.

Open Public Meetings Act Q&A
Lee Marchisio—Foster Pepper Attorney
April 18, 2019 5:45-6:30 pm

It is a legal requirement that all meetings at which action is to be taken be open to the public. For purposes of the OPMA, two elements must be present:

- A quorum is required, constituting a majority of the total commissioners; and
- There must be a collective intent to conduct business.

Public Meetings: there were a number of scenarios discussed with the commissioners. Using the bulleted points above, a social or cultural gathering at which three or more of the commissioners are present would likely not qualify as subject to OPMA guidelines. A hypothetical meeting of a regional parks association might qualify. A city council meeting at which FPFC topics are discussed would qualify. The attorney stressed the such determinations are fact-intensive and involve common sense. For those gatherings subject to OPMA, public notice must be given, at least 24 hours in advance. It is sufficient to notify the local media via email communication. The district web site should also post the information.

Private Events: the question of whether it is allowable for commissioners to dine together or to share rides was discussed. Such incidents do not qualify for OPMA so long as there is not a quorum present and official business is not discussed. The attorney did caution re: serial communication between commissioners with an intent to take action, which should be avoided.

Failure to Disperse: the question of whether it is allowable for commissioners to remain in the room after a meeting has adjourned was discussed. The attorney stressed the need for “social graces” in performance of public duties—greeting attendees, thanking them for coming, socializing with other commissioners, etc. So long as official business is not discussed, such activity is allowable.

Crafting a Message: communication from the public to the commissioners via the district web site creates an email that goes to all commissioners. It is the responsibility of the board chairperson to craft a timely response in such circumstances. The question of whether it is allowable for the other commissioners to provide input to that response was discussed. The attorney advised that passive receipt does not constitute a meeting. So long as there is no active discussion, the OPMA does not come into play. He cautioned that an interchange of emails between multiple commissioners, with active responses, is problematic and should be avoided.

By-Laws: in reviewing the by-laws draft, Mr. Marchisio cautioned that standing committees should not take action by themselves. Should that occur, each committee would also be subject to the OPMA. He suggested that the language be changed to reflect sub-committee recommendations to the full board, which could then choose to vote on each recommendation.

Meeting format: while there is no legal requirement to allow for public comment, the attorney suggested that such practice is advisable. This would be reflected in the agenda. Outside of a public comment period, audience interjections are out of order and should not be permitted.